

REMARKS

In the Office Action mailed October 28, 2008 the Office noted that claims 1-18, 20-53, 60 and 61 were pending, rejected claims 1-18, 20-37, 39-46, 49-53, 60 and 61 and withdrawn claims 38, 47 and 48. Claims 1, 11, 12, 33, 36, 37, 42 and 49 have been amended, claim 19 has been canceled, claim 62 is new, and, thus, in view of the foregoing claims 1-18, 20-53, and 60-62 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

CLAIM OBJECTION

Claims 11, 12 and 33 stand objected to for informalities. In particular, the Office asserts that the claims include spelling and grammatical errors. The Applicant has amended the claim to overcome the rejection.

Withdrawal of the objection is respectfully requested.

REJECTIONS under 35 U.S.C. § 112

Claims 1, 36, 37, 42 and 49 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The Applicant has amended the claims to overcome the rejection.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 1-6, 14-36, 40-43, 45-46 and 49-52 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hosoda, U.S. Patent No. 5,975,229. The Applicant respectfully disagrees and traverses the rejection with an argument and amendment.

Hosoda discusses a conveyance that comprises wheels and shafts and is ridden in the manner of a snowboard.

On page 4 of the Office Action, it is asserted that Hosoda, Fig. 1, elements 2a, 2b, 3a and 3b disclose ***"compression of said each motion-facilitating means increasing a circumferential surface width of said each motion-facilitating means in relation to the amount of compression thereby increasing both the wheelbase of the motion-facilitating means and the contact between the wheels and the surface on which the conveyance is being used in a manner whereby stability is effected of either or both the personal conveyance and a person standing thereon."*** (Emphasis indicated amendment) Support for the amendment may be found, for example, in ¶ 0063 of the printed publication version of the Specification. The Applicant submits that no new matter is believed to have been added by the amendment to the claim.

The Applicants submit that Hosoda is silent as to the increasing the circumferential surface width of said each motion-

facilitating means.

On page 4 of the Office Action, it is asserted that Fig. 4 discloses "the personal conveyance characterised by the motion-facilitating means being positioned relative to the foot supporting member such that at least a portion of the motion-facilitating means ***below an axis of the motion-facilitating means*** extends in a vertical plane above and perpendicular to ***a receiving side*** of the foot supporting member, ***the foot supporting member oriented horizontally.***" (Emphasis added) Support for the amendment may be found, for example, in ¶ 0114 and Fig. 1 of the Specification. The Applicant submits that no new matter has been added by the amendment of the Specification.

It is respectfully submitted that as the motion-facilitating means must be perpendicular to the receiving side of the foot supporting member, that Hodson no longer discloses the features of the claim. Hodson, the axis of elements 2a, 2b, 3a and 3c are not perpendicular to 10a or 10b. The Applicants acknowledge that Hodson elements 2a, 2b, 3a and 3c are perpendicular to the plane of elements 10a or 10b. However, the claim as now recited does not allow such an interpretation. It is noted that claim 49 never used the term plane with regards to the foot support and therefore was not anticipated by Hodson.

For at least the reasons discussed above, claims 1 and 49 and the claims dependent therefrom are not anticipated by Hosoda.

Further, as the axles do not attach to the footboards in Hosoda, the reference further does not disclose "pivotally mounted towards at least the front leading end of the foot supporting member to enable directional movement to be achieved," as in claim 17. In Hosoda the axles is not pivotally attached or for that matter attached to any end of the foot supporting member.

Claims 1, 60 and 61 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Buss, U.S. Patent No. 3,953,041. The Applicant respectfully disagrees and traverses the rejection with an argument and amendment.

As regards claim 1, Hodson fails to disclose "the motion-facilitating means being positioned relative to the foot supporting member such that at least a portion of the motion-facilitating means ***below an axis of the motion-facilitating means*** extends in a vertical plane above," as in amended claim 1. (Emphasis added)

In Buss, none of the foot supporting member is below the axis of the motion-facilitating means. In Buss, the foot support 11 is above the axis 19.

For at least the reasons discussed above, claims 1 and the claims dependent therefrom are not anticipated by Hodson.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 7-13 and 37 stand rejected under 35 U.S.C. § 103(a) as being obvious over Hosoda in view of Wyndham, U.S. Patent No. 1,768,228. The Applicant respectfully disagrees and traverses the rejection with an argument.

Wyndham discusses a roller skate with three wheels, two wheels in the rear one in the front.

Wyndham adds nothing to the deficiencies of Hosoda as applied against the independent claims. Therefore, Hosoda and Wyndham, taken separately or in combination, fail to render obvious the features of claims 7-13 and 37.

Claims 39 and 53 stand rejected under 35 U.S.C. § 103(a) as being obvious over Hosoda in view of Gay, U.S. Patent No. 5,522,609. The Applicant respectfully disagrees and traverses the rejection with an argument.

Gay adds nothing to the deficiencies of Hosoda as applied against the independent claims. Therefore, Hosoda and Gay, taken separately or in combination, fail to render obvious the features of claims 39 and 53.

Claim 44 stands rejected under 35 U.S.C. § 103(a) as being obvious over Hosoda. The Applicant respectfully disagrees and traverses the rejection with an argument.

For at least the reasons discussed above, the claim 44 is not rendered obvious over Hosoda.

Withdrawal of the rejections is respectfully requested.

NEW CLAIMS

Claim 62 is new. Support for claim 62 may be found, for example, in claim 1, Fig. 1 and the supporting text of the Specification. The Applicant submits that no new matter has been added by the amendment of the claim. The prior art of record fails to disclose

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112, 102 and 103. It is also submitted that claims 1-18, 20-53, and 60-62 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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